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SENATE

REPORT
102-128

KOREAN WAR VETERANS WAR MEMORIAL AMENDMENTS ACT OF 1991

JULY 30 (legislative day, JULY 8), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 855]

The Committee on Energy and Natural Resources to which was referred the bill (S. 855) to amend the Act entitled "An Act to authorize the erection of a memorial on Federal Land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War", having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 855, as ordered reported, is to amend the enabling legislation for the Korean War Veterans Memorial to extend until October 28, 1993, the deadline by which the American Battle Monuments Commission may obtain a building permit for the construction of the memorial.

BACKGROUND AND NEED

Public Law 99-572, enacted in October 1986, authorized the American Battle Monuments Commission, pursuant to the Commemorative Works Act, to erect a memorial in the Capital area honoring the servicemen and women of the Armed Forces of the United States who served during the Korean War.

The memorial's enabling legislation also established a 12-member Korean War Veterans Memorial Advisory Board to recommend a site for the memorial. The Commemorative Works Act provides for location of memorials either in Area I, the "core" area which in-

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cludes the Mall and surrounding areas, or Area II, the periphery. The Board recommended that the Korean War Veterans Memorial be located in Area I. The Secretary of the Interior approved the Board's recommendation, and subsequently, in 1988, Congress enacted Public Law 100-267, which approved placement of the memorial in Area I pursuant to the Secretary's recommendation.

The Board recommended that the memorial be located at the "Ash Woods" site on the Mall, which is located near the Lincoln Memorial, directly opposite the Lincoln reflecting pool from the Vietnam Veterans Memorial. This location has been approved by the National Capital Memorial Commission, the National Capital Planning Commission, the Commission of Fine Arts and the Secretary of the Interior.

The Commemorative Works Act provides that a construction permit for a proposed memorial must be obtained within 5 years after the date the memorial's enabling legislation is enacted. This date for the Korean War Veterans Memorial is October 28, 1991. Due to delays in the approval of the design concept for the memorial, it is now apparent that this construction permit will not be obtained before the October deadline. S. 855 would simply extend the deadline for an additional 2 years, until October 28, 1993.

Legislative History

S. 855 was introduced by Senators Glenn and Rudman on April 18, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on June 20, 1991.

At the business meeting on July 17, 1991, the Committee on Energy and Natural Resources ordered S. 855 favorably reported.

Committee Recommendations and Tabulation of Votes

The Committee on Energy and Natural Resources, in open business session on July 17, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 855 as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka	
Mr. Fowler [1]	
Mr. Shelby [1]	
Mr. Wellstone [1]	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici [1]	
Mr. Murkowski	

Mr. Nickles
Mr. Burns
Mr. Craig
Mr. Seymour
Mr. Garn

[1] Indicates voted by proxy.

Section-by-Section Analysis

Section 1 entitles the bill the "Korean War Veterans War Memorial Amendments Act of 1991."

Section 2 amends the Act authorizing the erection of a memorial to Korean War veterans (Public Law 99–572) to add a new subsection extending the period of time that the American Battle Monuments Commission may obtain a construction permit for the memorial until October 28, 1993.

Although S. 855 extends by 2 years the time period by which the Commission may seek to obtain a construction permit, the Committee notes that this legislation does not in any other way modify or eliminate any of the requirements as set forth in Public Law 99–652, the "Commemorative Works Act." The Committee emphasizes that the decision to grant a construction permit to the Commission remains discretionary with the Secretary of the Interior. In addition, the enactment of this legislation will in no way affect the current controversy concerning the design of the memorial.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 22, 1991.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 855, the Korean War Veterans War Memorial Amendments Act of 1991, as ordered reported by the Senate Committee on Energy and Natural Resources on July 17, 1991. Enactment of S. 855 would result in no cost to the federal government or to state and local governments. This bill would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 855 would extend for two years the deadline by which the American Battle Monuments Commission must obtain a building permit for the construction of a memorial to Korean War veterans.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

James L. Blum,
(For Robert D. Reischauer).

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 855. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 855, as ordered reported.

Executive Communications

On June 6, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 855. These reports had not been received at the time the report on S. 855 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF ROBERT STANTON, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 855, A BILL TO AMEND THE ACT ENTITLED "AN ACT TO AUTHORIZE THE ERECTION OF A MEMORIAL ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS TO HONOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO SERVED IN THE KOREAN WAR."

June 20, 1991

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on S. 855, a bill to authorize an amendment to P.L. 99-572, which authorizes the erection of a memorial to honor members of the armed forces of the Unites States who served in the Korean War.

We support enactment of this legislation.

S. 855 would amend P. L. 99-572 to extend from five years to seven years the length of time from authorization of the Korean War Veterans Memorial to initiation of its construction.

Mr. Chairman, the National Capital Memorial Commission which advises this Department as to the appropriateness of memorial proposals, met June 11 to review S. 855 and its companion bill, H.R. 1744, and gave its endorsement to both these measures, which would extend the date by which construction must begin on this memorial from October 28, 1991, to October 28, 1993.

The authorization for this memorial, P.L. 99-572, directs the sponsors of this memorial to proceed in compliance with the Commemorative Works Act of 1986, which stipulates that construction must begin within five years of the date of enactment or that authorization will expire. The law also states that construction cannot begin until separate site and design reviews have been completed, and approvals of both site and design have been granted by three different authorities:

the National Capital Memorial Commission, the Commission of Fine Arts, and the National Capital Planning Commission. Further, the memorial sponsors must provide adequate documentation to this Department that adequate funds have been raised to complete construction and to offset future maintenance costs, an amount equal to ten percent of the total estimated cost of construction. While substantial progress has been made, some design issues have yet to be resolved, and only four months remain on the current five year timetable.

This five year period was used based on the experience gained in past memorialization efforts. It has become apparent in the case of this memorial that the five year time frame was inadequate, and should be extended.

That concludes my prepared testimony, and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 855, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 99-572

AN ACT to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war.

Be it enacted by the Senate and House of Representatives of the United States of America a Congress assembled,

AUTHORIZATION OF MEMORIAL

SECTION [1.] *1. (a)* The American Battle Monuments Commission is authorized to establish a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war. Such memorial shall be established in accordance with the provisions of H.R. 4378, as approved by the House of Representatives on September 29, 1986.

(b) Notwithstanding any other provision of law, the American Battle Monuments Commission may obtain a building permit for the construction of such memorial no later than October 28, 1993.

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